

CHRISTOPHER COLUMBUS QUINCENTENARY
JUBILEE ACT

JULY 25, 1983.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 500]

The Committee on the Judiciary, to which was referred the bill (S. 500) to establish the Christopher Columbus Quincentenary Jubilee Commission to plan, encourage, coordinate, and conduct the commemoration of the voyages of discovery of Christopher Columbus, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

I. PURPOSE

The purpose of S. 500 is to establish the Christopher Columbus Quincentenary Jubilee Commission. The mandate of this thirty (30) member Commission is to plan, encourage, coordinate, and conduct the commemoration of the 500th anniversary of the voyages of discovery of Christopher Columbus.

II. COMMITTEE CONSIDERATION

S. 500 was introduced by Senator Mathias, for himself and Senators Sarbanes, Leahy, Domenici, and D'Amato, on February 16, 1983, and was referred to the Senate Judiciary Committee. The bill was later cosponsored by Senators Heinz and Heflin.

In the 97th Congress, Senator Mathias introduced a substantially similar bill, S. 2580, which was favorably reported by the Senate Judiciary Committee on September 29, 1982. It unanimously passed the full Senate on October 1, 1982. However, neither S. 2580 nor H.R. 6657, the House companion bill introduced by Representatives Rodino and Conte, passed the House of Representatives in the waning days of the 97th Congress.

On July 14, 1983, the Senate Judiciary Committee considered S. 500 at its regular business meeting. Senator Mathias offered the language of the House-passed companion bill, H.R. 1492, as an amendment in the nature of a substitute for the language of S. 500. The Committee unanimously agreed to this amendment and ordered S. 500, as amended, favorably reported by voice vote.

S. 500 and H.R. 1492 were identical when they were introduced. H.R. 1492 was introduced by Representative Rodino on February 15, 1983, and was cosponsored by Representatives Conte, Garcia, and Courter. However, several changes were made to H.R. 1492 in the House Post Office and Civil Service Committee and on the House floor. Some of these changes were significant, while the remainder were more conforming and technical in nature. These latter changes will be noted in the section-by-section analysis.

The House of Representatives passed H.R. 1492 on June 21, 1983; it was referred to the Senate where it was read the first and second times by unanimous consent, and placed on the calendar. Prior to House passage, the Administration stated that it would favor House passage of H.R. 1492 if certain changes were made. These changes have been made, on the House floor and in this Committee, and will be discussed in the appropriate places below.

The major differences between S. 500 as ordered reported by the Senate Judiciary Committee, which is identical to House passed H.R. 1492, and S. 500 as introduced, are as follows.

First, at the urging of the Administration and the Department of Justice, the process for the selection of the Commissioners has been changed to authorize the President to appoint all twenty-four (24) private members of the Commission. Of these, seven (7) members shall be appointed upon the recommendation of the Speaker of the House of Representatives in consultation with the Minority Leader of the House and seven (7) members shall be appointed upon the recommendation of the Majority Leader of the Senate in consultation with the Minority Leader of the Senate. Under the original version of S. 500, the appointment process called for the Speaker of the House of Representatives and the Majority Leader of the Senate each to directly appoint eight (8) members, and to allow the President to appoint ten (10) members.

This change was made to bring the bill into conformity with the Appointments Clause of the Constitution. The Appointments Clause requires that individuals with executive responsibilities must be appointed by the President with the advice and consent of the Senate, or if authorized by Congress, by the President alone, the courts or the heads of departments. *Buckley v. Valeo*, 424 U.S. 1 at 124-41 (1976). Inasmuch as the Committee intended the Commission to initiate and conduct commemorative activities, and to avoid any constitutional questions, the Committee has amended S. 500 to give the President full authority over all appointments. This will ensure that the Commissioners will be appointed in accordance with the Constitution and remove any doubt about the Commission's ability to plan, sponsor, and conduct such activities as it deems appropriate.

This change was accompanied by another that reduced the size of the Commission from thirty-one (31) voting members to thirty (30)

voting members. S. 500, as introduced, provided for twenty-six (26) private, voting Commissioners; the reported version of S. 500 provides for twenty-four (24) such members, and adds the Secretary of Commerce, thereby reducing the total voting Commissioners to thirty (30). By reducing the private members, the Committee feels that the Commission structure will be more balanced. Fourteen (14) members will now be appointed by the President upon the recommendation of congressional leaders and ten (10) will be appointed by the President from his pool of candidates. The Secretary of Commerce was added to the Commission for reasons that will be discussed below.

Second, the authorization levels of S. 500 as ordered reported are different from those of S. 500 as introduced. The bill, as amended by the Committee and the House, reduces the total appropriations authorized for the Commission to \$2.0 million from \$2.25 million. For each fiscal year beginning October 1, 1983, and ending before October 1, 1992, there is authorized to be appropriated \$220,000. For the period beginning October 1, 1992, and ending November 15, 1992, there is authorized to be appropriated \$20,000. Furthermore, total appropriations may not exceed \$2.0 million under this or any other Act. The authorization levels of the original version of S. 500 were \$200,000 for fiscal year 1984, \$250,000 in each year from fiscal year 1985 through 1992, and \$50,000 for the period between October 1, 1992, and November 15, 1992. There was no cap on the total amounts authorized to be appropriated in the original bill. The funding levels were reduced as a result of concerns expressed by Chairman Thurmond and other Committee members that the cost of the Commission was too high.

Third, S. 500, as ordered reported by the Committee, contains several changes designed to protect the interests of the 1992 World's Fair to be held in Chicago, Illinois, and Seville, Spain. Because the theme of this Fair is the quincentenary of the voyages of discovery of Christopher Columbus, the Administration asked for assurances in the legislation that the work of the Commission would not interfere with nor duplicate the work of the organizers of the 1992 Chicago World's Fair. The Committee believes that it has gone beyond the Administration's request in this regard; the Fair's interests are now more than adequately protected by the changes approved by the Committee.

To begin with, the amendment in the nature of a substitute to S. 500 adds a new subsection to the original bill that makes it clear that the Committee intends that the Commission shall not have any authority over the planning, development, conduct, or operations of the World's Fair. Furthermore, language has been added that requires the Commission to consider all Columbus-related activities, regardless of their origin, when the Commission undertakes to set its own agenda. Specifically, the bill now provides that the Commission shall endeavor to avoid duplicating the programs and activities sponsored by the World's Fair. Moreover, the Secretary of Commerce has been included in the Commission as a voting member. This ensures that the Fair's legitimate interests will be protected within the Commission itself because the Department of Commerce is the Federal agency that oversees and coordinates United States participation in the Fair.

Together, these amendments designed to protect the legitimate interests of the Fair, give adequate assurances that the Commission will not be in competition with the Fair, nor will it have any control over the Chicago World's Fair. The Committee is convinced that these changes to S. 500 more than satisfy the concerns of the Fair organizers and no more "protections" are appropriate or desirable.

III. DISCUSSION

October 12, 1992, will mark the 500th anniversary—the quincenary—of the day land was sighted by one of the ships sailing on Christopher Columbus' maiden voyage to find a westward passage to the Orient. Of course, he did not find such a passage—he found a New World. His contemporaries neither appreciated nor acknowledged the enormous contribution Columbus had made to the expansion of European civilization, and to the creation of a new one. The Committee believes that the American people, the ultimate beneficiaries of his vision, courage, and travail, must see that the memory of Columbus and his achievement does not suffer the same result in 1992 as it did in his lifetime. After all, Columbus' voyages of discovery, taken as a whole, might very well be the greatest event in the history of the secular world.

Although the anniversary is still 9 years away, the Committee believes that it is not too soon to begin to plan for the observance of such an unprecedented event—the 500th birthday of the New World. The Committee is convinced that the Federal government must do all it can to see that this anniversary is observed appropriately and thoughtfully. A celebration of the dimensions the Committee contemplates dictates that the Federal government play a role. Toward this end, S. 500 would establish the Christopher Columbus Quincenary Jubilee Commission.

The Commission would be charged with planning, encouraging, coordinating, and conducting local, national, and international observances and activities. Its thirty (30) members, most of whom would be private citizens, would be responsible for preparing comprehensive programs to commemorate the quincenary of the voyages Columbus embarked on in 1492. Books, films, lectures, exhibits, ceremonies, and all manner of celebrations would be planned and coordinated by the Commission. The Commission would work in conjunction with State, local and foreign governments, public agencies, and private organizations to plan the 1992 celebration. The Committee stresses the importance of working and consulting with private organizations and local governments in planning for the quincenary.

The Committee also believes that a particularly important aspect of the observance must be to consult and work with our friends and neighbors in other nations of the Western Hemisphere who share with us the Columbian legacy, and whose heritage of culture, scholarship, and creative art can contribute so much to the Western Hemisphere.

The special roles of Italy and Spain in the life and voyages of Columbus are recognized in this legislation by authorizing the President to invite the Italian and Spanish governments to appoint non-voting members to the Commission. The Secretary of State may, at his discretion, invite the participation of other nations in events

planned and conducted by the Commission. In extending such invitations, the Secretary may take into account diplomatic considerations as well as any existing international agreements. The Committee feels that Portugal, given its large role in the life of Columbus, should be given special consideration by the Secretary of State in extending any such invitations. The Committee realizes, of course, that the Secretary will have the final word in this matter.

To protect against commercializing and trivializing this anniversary through the sale of the type of memorabilia that inundated the public during the American Revolutionary Bicentennial, S. 500 bans the use of any symbols, marks, or logos designed and certified by the Commission in any commercial venture. Stiff penalties shall be imposed for the unauthorized use of the logo. The Commission may, however, sell certain items that would essentially have limited appeal to the buying public. The Committee contemplates that the items sold by the Commission would be generally educational, historical and informational in nature and would have value mainly for educators and historians. The Committee believes that it would be inappropriate for the Commission to sell commemorative trinkets and souvenirs; the sale of such items would detract from the educational mission of the Commission.

This bill is a modest proposal which provides for limited Federal funding. The Commission will have to look to private and corporate donations for the bulk of its funding if it is to operate successfully and fulfill its duties and obligations under the bill. While S. 500 permits the Commission to accept private and corporate donations, it also imposes limitations on such donations. In the case of an individual, there is a \$25,000 cap. Corporations and foreign governments are limited to a \$50,000 contribution. These are aggregate limits and thus apply to the life of the Commission. These caps on outside donations are intended to prevent a situation from arising whereby one person or corporation, by virtue of the size of the contribution, could exert undue influence or pressure on the Commission. This is a National commemoration and as such the Commission should appeal to more than just the wealthiest individuals and corporations for funding.

Finally, in considering appropriate philatelic commemoration of the anniversary, the Committee expects the Commission to work within the general framework coordinated by the Citizens' and Stamp Advisory Committee and Postmaster General, who bear responsibility for the design and timing of postage stamp issuances.

IV SECTION-BY-SECTION ANALYSIS OF S. 500, AS AMENDED

SECTION 1

Section 1 states that the Act may be cited as the Christopher Columbus Quincentenary Jubilee Act.

SECTION 2

Section 2 states that it is the policy of Congress to celebrate and commemorate the 500th anniversary of the voyages of discovery of Christopher Columbus through local, national, and international ob-

servances planned, encouraged, coordinated, and conducted by a National commission. The original version of S. 500 contained a specific reference to persons of "Hispanic or Italian heritage." The bill as ordered reported deletes this references because, although Hispanics and Italians should be recognized for their unique contributions to the Columbus voyages, all Americans, regardless of their ethnic heritage, should look with pride on these voyages.

SECTION 3

Section 3(a) establishes a commission to be known as the Christopher Columbus Quincentenary Jubilee Commission.

Section 3(b) sets forth the composition of the Commission. The Commission will consist of thirty (30) members, all appointed by the President, as follows: seven (7) members shall be appointed by the President upon the recommendation of the Majority Leader of the Senate in consultation with the Minority Leader of the Senate; seven (7) members shall be appointed by the President upon the recommendation of the Speaker of the House of Representatives in consultation with the Minority Leader of the House; ten (10) members shall be appointed by the President from his own pool of candidates; the Secretary of State; the Archivist of the United States; the Librarian of Congress; the Secretary of the Smithsonian Institution; the Chairman of the Federal Council on the Arts and Humanities; and the Secretary of Commerce.

Section 3(c) authorizes the President to invite representatives of the governments of Italy and Spain to serve as non-voting members of the Commission.

Section 3(d) requires the Secretary of State to convene the first meeting of the Commission for the purpose of electing a Chairman and Vice Chairman from among the members of the Commission who were appointed by the President from among his own pool of candidates. The Commission is authorized to appoint honorary members and may establish an Advisory Council to help the Commission in its work.

Section 3(e) provides that Commission members be appointed no later than October 1, 1983.

SECTION 4

Section 4(a) states that it is the duty of the Commission to prepare a comprehensive program for the commemoration of the 500th anniversary of the voyages of discovery of Christopher Columbus. The Commission is to plan, coordinate, encourage, and conduct observances and activities commemorating historic events associated with these voyages.

Section 4(b) directs the Commission to submit a comprehensive report incorporating its recommendations for the commemoration of the quincentenary of the voyages of discovery of Christopher Columbus to Congress no later than October 1, 1985.

The report shall include recommendations for (1) the production of books, films, pamphlets, and other educational materials regarding the culture, history, and political thought of the lands Columbus visited during his voyages, (2) bibliographical and documentary projects and publications, (3) conferences, seminars, and other similar programs, (4) the development of libraries, museums, and exhibits, (5) cere-

monies and celebrations honoring specific events, (6) programs focusing on the international significance of Columbus' voyages, (7) the issuance of commemorative stamps, coins, and medals.

The report shall also include recommendations for the allocation of financial and administrative responsibilities among the public agencies and private organizations designated for participation by the Commission. Moreover, the report shall include recommendations for whatever legislative and administrative actions the Commission deems necessary to carry out the commemoration of Columbus' voyages.

Section 4(c) directs the Commission to submit to Congress an annual report of its activities.

Section 4(d) makes it clear that the Commission, in preparing its plans and programs, must consider any related plans and programs developed by State, local, and foreign governments, and private groups. The Commission is specifically required to consider the plans and programs of the Chicago World's Fair when developing its agenda. The Commission is further directed to endeavor to ensure that its activities do not duplicate the plans of the Chicago World's Fair.

Section 4(e) authorizes the Commission to invite representatives of public agencies and private organizations to help the Commission in carrying out its duties under this section.

SECTION 5

Section 5 sets out additional functions the Commission is authorized to undertake to increase public awareness of, and interest in, the quincentenary. This includes the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects. The Committee contemplates that items sold by the Commission shall be generally educational, historical, and informational in nature. In the view of the Committee, it would be inappropriate for the Commission to sell commemorative trinkets and souvenirs because the sale of such items would detract from the educational mission of the Commission.

This section also grants the exclusive right to an agency of the United States to sell any commemorative coins, stamps, or medals issued by the United States.

SECTION 6

Section 6(a) directs the Commission to consult and seek advice and assistance from appropriate Federal agencies, State and local governments, foreign governments, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such appropriate Federal departments and agencies are requested to cooperate with the Commission.

Section 6(b) directs the Secretary of State to conduct a study of appropriate cooperative actions which might be taken with foreign governments to preserve and develop historic sites related to Columbus' voyages so that appropriate observances may be held at such sites. This section has been amended to give the Secretary discretionary authority to invite the participation of foreign governments in the Commission's activities. The original version of S. 500 directed the Secretary to consult with nations of the Western Hemisphere who

share the Columbian heritage and with Spain and Italy about joint participation in events in the United States and in those countries. The bill now says that the Secretary "may," not "shall," consult with other governments in this regard.

Section 6(c) directs the Chairman of the Federal Council on the Arts and Humanities, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities to cooperate with the Commission.

Section 6(d) directs the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States to cooperate with the Commission.

Section 6(e) is a new subsection that makes clear the Committee's intention that the Commission shall not have any authority over the planning, development, conduct, or operations of the Chicago World's Fair.

SECTION 7

Section 7(a) authorizes the Commission to accept donations of money, property or personal services, but limits the aggregate value of such donations from an individual to \$25,000 and from a corporation or foreign government to \$50,000.

Section 7(b) states that all printed material, relics, and memorabilia donated to the Commission may be deposited in libraries and museums across the country.

SECTION 8

Section 8(a) states that the Chairman of the Commission, with the advice of the Commission, shall appoint a Director and a Deputy Director. They will serve at the pleasure of the Chairman. The Director may be compensated at up to Level IV of the Executive Schedule and the Deputy Director may be compensated at up to Level V of the same schedule. The Commission shall delegate those powers and duties to the Director as may be necessary for the efficient operation of the Commission. This section does not create any new Executive level positions. It merely provides a ceiling on the maximum pay for individuals appointed to these positions. The Commission may choose to compensate these persons at a lower level if it so desires. The original version of S. 500 stated that the Director and Deputy Director would be paid at the aforementioned levels; the Commission would have had to pay these persons at Level IV and V respectively.

Section 8(b) authorizes the Commission to employ no more than twenty (20) additional personnel, but they may not be paid at a rate higher than the maximum rate for GS-18 of the General Schedule. The Commission is also authorized to appoint advisory committees; to procure services, supplies, and property; to make contracts; and to expend funds to the extent appropriated or donated. The Commission is also authorized to use the frank for official mail.

Section 8(c) provides that no more than twenty (20) Federal employees may be detailed to the Commission at any one time to assist it in carrying out its duties under this Act. Such details shall be made without cost to the Commission.

SECTION 9

Section 9(a) states that the thirty (30) Commissioners shall serve without compensation, but they may be reimbursed for expenses incurred by them in the performance of their duties. The original version of S. 500 stated that the Commissioners would be reimbursed for their expenses; that reimbursement is now discretionary under the bill as ordered reported.

Section 9(b) makes it clear that only the thirty (30) voting members of the Commission are eligible for reimbursement of travel and subsistence expenses. This subsection was amended by the Committee to prohibit the non-voting representatives from the government of Italy and Spain on the Commission from being reimbursed for travel and subsistence expenses.

SECTION 10

Section 10(a) requires the Commission to issue rules and regulations regarding the use of any logos, symbols, or marks originated and certified by the Commission for use in connection with the commemoration. However, such rules and regulations shall preclude the use of any logos, symbols, or marks in a commercially related activity.

Section 10(b) imposes a maximum \$10,000 fine or not more than one year imprisonment, or both, for the unauthorized use of such certified logos, symbols, or marks.

SECTION 11

Section 11(a) authorizes the appropriation of \$220,000 for each fiscal year beginning October 1, 1983, and ending before October 1, 1992. \$20,000 is authorized to be appropriated for the period beginning October 1, 1992, and ending November 15, 1992.

Section 11(b) provides that the amount appropriated for any fiscal year shall remain available until November 15, 1992.

Section 11(c) states that the total appropriations authorized under this or any other Act shall not exceed \$2,000,000.

SECTION 12

Section 12(a) provides that the Commission will terminate on November 15, 1992, at which time the Commission shall submit a final report to Congress.

Section 12(b) provides that any property acquired by the Commission remaining after its termination may be used by the Secretary of Interior for purposes of the National Park Service, or may be disposed of pursuant to the Federal Property and Administrative Services Act of 1949.

V. REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b), rule XXVI of the Standing Rules of the Senate, the Committee finds that the implementation of S. 500, as reported, will not result in increased regulation. S. 500, as

reported, establishes the Christopher Columbus Quincentenary Jubilee Commission to plan, encourage, coordinate, and conduct the commemoration of the voyages of discovery of Christopher Columbus. The only authority granted this commemorative commission to issue rules or regulations permits issuance of appropriate rules or regulations to govern the use of any logos, symbols, or marks chosen and certified by the Commission for use in connection with the commemoration of the quincentenary. This will not impose affirmative duties upon state or private entities, but only govern or condition use of the quincentenary logos, symbols, or marks.

VI. COST OF LEGISLATION

In accordance with paragraph 11(a), rule XXVI of the Standing Rules of the Senate, the Committee offers the Report of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 18, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 500, the Christopher Columbus Quincentenary Jubilee Act.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

JULY 18, 1983.

1. Bill number: S. 500.
2. Bill title: Christopher Columbus Quincentenary Jubilee Act.
3. Bill status: As ordered reported by the Senate Committee on the Judiciary, July 14, 1983.
4. Bill purpose: The bill establishes the Christopher Columbus Quincentenary Jubilee Commission to coordinate and conduct a commemoration of the voyages of Christopher Columbus. The bill authorizes the appropriation of \$220,000 in each year from fiscal year 1984 through fiscal year 1992, and \$20,000 for the period between October 1, 1922, and November 15, 1922, for carrying out the provisions of the bill. Total appropriations authorized for carrying out the purposes of this act are limited to \$2 million. The Commission is authorized to accept donations. The bill also requires certain departments and agencies of the federal government to provide assistance to the Commission.

5. Estimated cost to the Federal Government:

Authorization level:		Thousand
Fiscal year:		
1984	-----	\$220
1985	-----	220
1986	-----	220
1987	-----	220
1988	-----	220
Estimated outlays:		
Fiscal year:		
1984	-----	200
1985	-----	220
1986	-----	220
1987	-----	220
1988	-----	220

The costs of this bill fall within budget function 800.

Basis of estimate: This estimate assumes the amounts authorized will be appropriated. The estimate of outlays is based on historical spending patterns for similar commissions. This estimate does not include costs of activities that may be required of several departments and agencies of the federal government, because the extent of their activities has not been determined. However, such costs are not expected to be significant.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 12, 1983, the CBO prepared a cost estimate for H.R. 1492, as ordered reported by the House Committee on Post Office and Civil Service. That version of the bill authorized the appropriation of \$200,000 in 1984 and \$250,000 a year for fiscal year 1985 through fiscal year 1992. The House subsequently passed H.R. 1492, and amended the funding levels to those which are included in S. 500, as ordered reported by the Senate Committee on the Judiciary.

9. Estimate prepared by: Jeff Nitta.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

